

FY 2008 Annual Program Performance Measures

DEPARTMENT: MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH

APPROPRIATION UNIT: SOAHR **PROGRAM:** SOAHR

TIMELINE: October 1, 2007 through September 30, 2008

PROGRAM MISSION STATEMENT (Customer-Focus Direction)

The State Office of Administrative Hearings and Rules (SOAHR) provides a central forum for parties to mediate and administratively litigate contested cases under a variety of statutes. SOAHR is also responsible for the administrative rulemaking process for all state departments and agencies. To fulfill these twin missions, SOAHR employs administrative law judges, mediators, analysts, and support staff.

PROGRAM STATEMENT

SOAHR provides litigants with prompt and fair hearings in contested cases referred by:

1. Department of Labor and Economic Growth
2. Department of Human Services
3. Department of Community Health
4. Department of Corrections
5. Department of Education
6. Department of Environmental Quality
7. Department of Management and Budget
8. Department of Natural Resources
9. Department of Agriculture
10. Department of State Police
11. Department of Transportation
12. Department of Treasury
13. Department of History, Arts, and Libraries

In addition, SOAHR provides mediation services, through its Mediation Division, in disputes between parties referred primarily by the Department of Labor and Economic Growth's Bureau of Commercial Services and the Wage Hour Division.

FUND SOURCE

Federal Funds
State Restricted Funds
General Fund/General Purpose

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APPROPRIATION UNIT: SOAHR **PROGRAM:** SOAHR

GOALS

The overarching goal of SOAHR is to provide contested case proceedings and mediation services in the most timely, efficient, fair, and professional manner possible consistent with due process and within time parameters mandated by statute, rules, or internal guidelines.

ANNUAL PERFORMANCE BY REFERRING DEPARTMENT FOR FY 2007-2008

See Attached Tables 1 through 3.

CUSTOMER IDENTIFICATION

SOAHR's customers are the people and organizations who participate in hearings, mediations, and rulemaking. They include parties to disputes that come before SOAHR; agents, advocates and attorneys; witnesses; other state and federal personnel, and parties interested in rulemaking.

PROGRAM GOALS DURING REVIEW PERIOD

GOAL 1

Achieve timeliness and quality standards by closely monitoring timeliness of appeals being forwarded to SOAHR and by monitoring and adapting to changing caseloads. Achieving timeliness and quality standards aligns to the DLEG values of integrity, trust, and excellence.

Goal 1, Objective 1

- 1.1 SOAHR decisions issued in unemployment appeal cases will exceed the quality standard of 85% of the cases scoring at least 80% on the quarterly quality audit, will meet the timeliness standard of 60% of decisions issued within 30 days, and will meet the timeliness standard of 80% issued within 45.

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Strategy

1.1

Comment: SOAHR exceeded the federal quality standard of 85% during the review period. Over the four quarters of FY 2007-2008, 96% of cases scored, met or exceeded quality standards. Both the first and last quarter of FY 2007-2008, we achieved scores of 100% meeting or exceeding the quality standard.

The US Department of Labor imposes three separate timeliness standards in unemployment appeals cases. The newest, implemented during the current fiscal year, requires cases to meet an overall 30 day case aging standard. While we met those standards for the last several months of the fiscal year, because of delay in receiving appeals from the Unemployment Agency, our overall average for the year was 37 days.

The remaining two deadlines require SOAHR to issue opinions within 30 and 45 days of the filing of an appeal. Given the current delay in receipt of appeals, it is not expected that SOAHR will meet standards until the next fiscal year. The Unemployment Agency is beginning a project to restructure the workflow and install new software. The part of the project that will help us in receiving appeals more timely will be completed by them by the end of FY 2009. It will take several months from the time they install the software for us to make the timeliness deadlines.

Goal 1, Objective 2

1.2 ALEs located in SOAHR's Lansing Capital offices will meet their varied timeliness standards in at least 90% of cases closed.

Strategy

1.2

Comment: For the FY 08 reporting period, the Capitol Complex group opened 5,589 cases. During the reporting period, the Capitol Complex group closed 4,488.

The Capitol Complex group's timeliness percentage was 94.5%. This percentage did exceed the group's objective of 90%.

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Goal 1. Objective 3

1.3 The Mediation Division will provide resolution through mediation within 90 days of the conference held date. Of those accepting mediation, the Division will maintain a 60% success rate in Wage Hour Cases and a 60% success rate in cases referred by the Bureau of Commercial Services.

Strategy

1.3

Comment: Mediation resolved cases within 90 days of the conference held date 80% of the time. In addition, Mediation exceeded the 60% settlement rate in Wage Hour cases by successfully closing 60% of its cases. They exceeded the 60% success rate in cases referred by the Bureau of Commercial Services by closing 76% of these cases as agreements honored by the parties.

Goal 1, Objective 4

1.4 ALEs performing hearings for the Public Service Commission should transmit electric and gas cases within 160 days after the initial hearing in 90% of cases. Transmittals in telecommunication cases should be completed within 100 days after the initial hearing in 90% of cases.

Strategy

1.4

Comment: During the reporting period, the offices closed 102 cases. In some instances, the transmittal of the case exceeded the 160-day goal in electric or gas cases or the 100-day goal in telecommunication cases. In many of those instances, however, the complexity of the case required additional time to compile the record, but the Proposal for Decision was still issued in 30 days or less. If these cases are excluded from the timeliness computation, the timeliness rate for all case types is 94% for the reporting period.

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GOAL 2

Improve services to client agencies by increasing training and redesigning databases. This goal will address the DLEG value of excellent customer service as well as inclusion.

Goal 2, Objective 1

- 2.1** To increase understanding and efficiency of the rulemaking process, each department will be offered individual 3-hour training sessions for newly appointed Regulatory Affairs Officers and ancillary staff.

Strategy

2.1:

Comment: All new Regulatory Affairs Officers attended three-hour training sessions. This objective has been met.

Goal 2, Objective 2

- 2.2** SOAHR will continue to work with DIT to refine its new database system to upgrade its report capabilities. Those report capabilities should be developed and implemented by March 31, 2007.

Strategy

2.2

Comment: All three major reports generated by the database have been completed. This objective has been met.

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Goal 2, Objective 3

2.3 SOAHR and DIT will complete the implementation of the DHS database enhancements.

Strategy

2.3

Comment: The migration of AHCT to AMTS was completed the week of January 4-6, 2008. Following the migration SOAHR submitted to DIT several program enhancement requests. These enhancements will improve the database reporting capability by providing detailed accurate information regarding the processing of hearing requests and support staff and ALJ performance. Most if not all of these enhancement requests have been completed. In addition to these changes, ADMTS scheduling of DCH hearings will be converted from GroupWise to Outlook. This conversion should be completed in January 2009 and will improve the scheduling of DCH hearings.

Goal 2, Objective 4

2.4 SOAHR will work with the Governor's Cabinet and all departments to re-engineer its case management system to improve the quality and efficiency of services to others in the Executive Branch of government and the public.

Strategy

2.4

Comment: SOAHR has made significant progress over the past year toward meeting this goal. SOAHR and DIT began meeting in late 2007 to decide how best to accomplish a new case management system; whether DIT would build one or whether there is an "off the shelf" (COTS) program that meets our needs. After seeing several demos, SOAHR and DIT decided that purchasing an existing COTS system would be most cost effective. SOAHR and DIT are currently in the process of preparing a Request For Purchase (RFP) to acquire bids from those companies who meet the requirements. SOAHR is on track for meeting the September 2009 goal for a new case management system.

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GOAL 3

SOAHR will explore options to decrease its operational costs through identifying efficiencies in its various components. By reducing burdens on state taxpayers, this goal will address the DLEG values of excellence and customer satisfaction.

Goal 3, Objective 1

3.1 The merger of two outstate offices, currently located in Livonia and Troy, will be completed during the next fiscal year.

Strategy

3.1

Comment: SOAHR is proceeding on its plans to merge the Troy and Livonia offices. Suitable space has been identified in Farmington in a building currently leased by the state and housing offices of the Michigan Liquor Control Commission. A preliminary layout has been developed and approved by SOAHR. The project is now in the architecture and engineering phase with completion expected sometime in early 2010.

GOAL 4

SOAHR will explore changes to promote efficient use of limited staff resources in the delivery of contested case services.

Goal 4, Objective 1

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- 4.1 Scheduling modalities for DHS case types will be reviewed. DHS complex cases will be assigned to specific judges and support staff. These staff reassignments will improve the flow of hearings requests and reduce the average number of days required to dispose of pending DHS client and agency initiated cases by 10%.

Strategy

4.1

Comment: Following the January 2008 migration of AHCT to ADMTS, SOAHR improved the data collection capabilities of the ADMTS DHS database by expanding case related action data fields. Case disposition data will be reported on a SOAHR performance report for DHS hearings. The SOAHR performance report will allow ongoing start to finish monitoring of DHS cases. A new ALJ performance report was created which will allow ongoing monitoring of overall ALJ timeliness compliance. In addition, a new 15-day Standard of Promptness DHS Directors report was created. This will allow DHS to monitor the 15-day standard of promptness required of the local offices. This report will be prepared monthly and provided to DHS Field Operations staff.

Goal 4, Objective 2

- 4.2 In our unemployment appeals case type, we will increase our ability to automate opinion production by completing development and testing of a pilot project to systematically insert data into decision formats, and automating required fields to generate completed decision templates.

Strategy

4.2

Comment: The project of automation of the decision formats has been completed.

Mainframe information is now automatically inserted and the remainder of the decision completion is automated through templates. All support staff are utilizing the new templates. All Administrative Law Judges have been trained on the templates, and some are beginning to use the automated templates in their decision creation.

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GOAL 5

SOAHR will actively seek out input and teamwork through increased visibility in SOAHR offices.

Goal 5, Objective 1

5.1 The SOAHR Executive Director or Deputy Director will visit one office at least once each month.

Strategy

5.1

Comment: During the review period, either the Executive Director or the Deputy Director visited at least one, non-central office location each month.

GOAL 6

SOAHR will develop a program to systematically acknowledge significant milestones in the careers of team members and significant accomplishments they have achieved.

Goal 6, Objective 1

6.1 SOAHR will provide recognition certificates to staff achieving specified levels of service and inform other team members of these accomplishments via email.

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Strategy

6.1

Comment: SOAHR continues to recognize employees with a Service Recognition Award signed by Executive Director Plummer for each five-year milestone. At the end of the calendar year, all SOAHR staff receives an e-mail recognizing each of those employees' accomplishments.

Goal 6, Objective 2

6.2 SOAHR Managers will stress team and individual progress recognition through emails generated throughout their team and throughout SOAHR.

Strategy

5.1

Comment: Managers have systematically met this objective by acknowledging individual and team accomplishments.

CHALLENGES TO BE FACED IN THE NEXT REVIEW PERIOD

- 1) SOAHR faces an increasing caseload in our DHS referrals, which is significantly impairing our ability to meet federal timeliness standards.
- 2) SOAHR is in the second phase of our process-reengineering program. This will continue to command significant staffing resources as we complete our review of SOAHR processes and procedures and as we move forward with our proposed database revisions.
- 3) As a result of increasing demand and a buildup by our referring agency, SOAHR expects to face a backlog in our unemployment appeals during the second half of the review period.

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Fiscal Year 2007-2008 State Office of Administrative Hearings and Rules Case Opening Statistics - Table 1

Hearing Case Type	Area	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Agriculture	General	1	2	0	1	4
DCH	Med Ben	508	435	471	488	1,902
	Health Policy	24	34	7	13	78
	BHS	39	35	34	40	148
	BHP	68	73	66	57	264
	MHC	1	1	4	1	7
	Med Prov	10	44	11	20	85
	Rehearing	3	6	18	15	42
	Other	1	6	35	23	65
	Total:	654	634	646	657	2,591
Corrections	Misconduct	17,530	19,286	18,947	19,849	75,612
	Parole Hearing	260	258	260	233	1,011
	Parole Arraign	491	553	506	481	2,031
	Other	125	125	125	125	500
	Total:	18,406	20,222	19,838	20,688	79,154
Education	Certification	4	2	0	1	7
	Tenure	12	8	13	18	51
	CACFP	0	0	0	0	0
	Prop Transfer	1	0	4	5	10
	Special Ed	18	23	34	11	86
	Total:	35	33	51	35	154
DEQ	LWM	55	29	22	25	131
	Water	2	8	1	2	13
	Air	0	0	0	0	0
	Oil & Gas	3	13	6	1	23
	RRD	0	0	0	0	0
	WHM	0	0	1	0	1
	Misc	0	0	0	1	1
	Total:	60	50	30	29	169

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Hearing Case Type	Area	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
History, Arts, & Libraries	General	4	1	3	1	9
DHS *	Adopt	9	2	32	8	51
	AMP	196	190	210	180	776
	CDC	520	330	332	525	1,707
	SER	317	332	347	450	1,446
	FAP	1,630	1,424	1,717	1,903	6,674
	SMP	1	0	0	1	2
	DSS	14	12	12	19	57
	FIP	964	726	577	796	3,063
	JET	357	446	510	566	1,879
	Med Elig	1,768	1,765	1,791	2,040	7,364
	Title IVE	45	68	86	64	263
	SSI	37	46	55	51	189
	Expungement	45	16	5	0	66
	SDA	124	152	132	135	543
	OCAL	17	26	14	16	73
	Med Disability	1,179	1,042	1,130	1,215	4,566
	Rehearing	95	100	87	104	386
	Total:	7,318	6,677	7,037	8,073	29,105

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Hearing Case Type	Area	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
DLEG	UA	7,740	5,705	7,527	5,104	26,076
	TT	653	538	676	665	2,532
	LCC	175	139	137	179	630
	PSC	36	20	32	19	107
	BCS	150	138	133	164	585
	OFIS	18	6	3	10	37
	BCC	13	15	9	20	57
	MIOSHA	10	22	18	8	58
	MIOSHA Show Cause	10	13	7	8	38
	Wage Hour	32	25	34	35	126
	Wage Hour Show Cause	14	8	22	8	52
	CFB	3	0	0	0	3
	MERC	76	76	118	96	366
	BCE	0	0	1	0	1
	Total:	8,930	6,705	8,717	6,316	30,668
DMB	General	31	25	24	21	101
DNR	General	0	1	0	2	3
State Police	MCOLES	7	6	6	3	22
Transportation	General	155	28	0	48	231
Treasury	General	6	3	1	2	12
Total		35,607	34,387	36,353	35,876	142,223

Mediation Case Type	Area	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
DLEG	BCS	19	0	0	0	19
	Wage Hour	78	60	71	73	282
Total		97		71	73	301

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Fiscal Year 2007-2008 State Office of Administrative Hearings and Rules Case Closure Statistics - Table 2

Hearing Case Type	Area	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Agriculture	General	2	4	0	1	7
DCH	Med Ben	478	530	469	466	1,943
	Health Policy	12	26	30	3	71
	BHS	37	35	38	37	147
	BHP	70	55	77	71	273
	MHC	1	0	2	4	7
	Med Prov	9	13	21	11	54
	Rehearing	4	5	19	10	38
	Other	18	6	5	22	51
	Total:	629	670	661	624	2,584
Corrections	Misconduct	17,530	19,286	18,947	19,849	75,612
	Parole Hearing	260	258	260	233	1,011
	Parole Arraign	491	553	506	481	2,031
	Other	125	125	125	125	500
	Total:	18,406	20,222	19,838	20,688	79,154
Education	Certification	0	3	3	1	7
	Tenure	11	9	17	20	57
	CACFP	0	0	0	0	0
	Prop Transfer	0	2	0	7	9
	Special Ed	30	18	33	19	100
	Total:	41	32	53	47	173
DEQ	LWM	31	47	38	31	147
	Water	3	1	3	3	10
	Air	0	0	0	1	1
	Oil & Gas	3	2	12	6	23
	RRD	0	0	0	0	0
	WHM	0	0	0	0	0
	Misc.	0	0	0	1	1
	Total:	37	50	53	42	182

Hearing Case	Area	1 st	2 nd	3 rd Quarter	4 th Quarter	Total
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Type		Quarter	Quarter			
History, Arts, and Libraries	General	2	2	1	3	8
DHS *	Adopt	5	4	3	5	17
	AMP	166	171	217	231	785
	CDC	432	386	440	416	1,674
	SER	286	276	471	359	1,392
	FAP	1,315	1,490	1,824	1,558	6,187
	SMP	2	0	0	1	3
	DSS	13	13	17	8	51
	FIP	801	795	817	664	3,077
	JET	263	435	592	499	1,789
	Medicaid Elig	1,556	1,664	1,686	1,804	6,710
	Title IVE	37	69	94	66	266
	SSI	35	22	80	49	186
	Expungement	10	23	52	154	239
	SDA	118	128	114	144	504
	OCAL	21	13	17	18	69
	Medicaid Disab	990	1,105	1,156	1,232	4,483
	Rehearing	83	119	93	103	398
	Total:	6,133	6,713	7,673	7,311	27,830

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Hearing Case Type	Area	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
DLEG	UA	8,164	6,422	6,408	6,282	27,276
	TT	472	390	506	532	1,900
	LCC	190	135	119	197	641
	PSC	23	32	18	29	102
	BCS	166	115	141	156	578
	OFIS	10	15	9	8	42
	BCC	17	18	13	12	60
	MIOSHA	20	20	24	17	81
	MIOSHA Show Cause	14	5	10	10	39
	Wage Hour	25	35	39	28	127
	Wage Hour Show Cause	12	6	9	24	51
	CFB	1	0	0	0	1
	MERC	98	73	74	117	362
	BCE	0	1	0	0	1
	Total:	9,212	7,267	7,370	7,412	31,261
DMB	General	16	20	17	18	71
DNR	General	2	0	0	1	3
State Police	MCOLES	10	5	3	4	22
Transportation	General	44	126	22	2	194
Treasury	General	3	8	0	2	13
Total		34,538	35,119	35,691	36,155	141,502

Mediation Case Type	Area	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
DLEG	BCS	69	19	17	6	111
	Wage Hour	83	77	76	61	297
Total		152	96	93	67	408

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State Office of Administrative Hearings and Rules Fiscal Year 2007-2008 Hearing Statistics - Table 3

Hearing Case Type	Area	1 st Schd	1 st Held	2 nd Schd	2 nd Held	3 rd Schd	3 rd Held	4 th Schd	4 th Held	Total Schd	Total Held
Agriculture	General	2	2	3	2	0	0	0	0	5	4
DCH	Med Ben	477	161	561	185	496	163	439	162	1,973	671
	Health Policy	8	3	51	41	19	9	11	7	89	60
	BHS	45	21	52	25	57	37	53	17	207	100
	BHP	176	59	178	45	205	64	94	47	653	215
	MHC	1	0	0	0	5	2	2	1	8	3
	Med Prov	49	17	63	26	130	53	75	32	317	128
	Rehearing	3	4	0	6	18	17	18	15	39	42
	Other	12	3	7	3	34	32	27	21	80	59
	Total:	771	268	912	331	964	377	719	302	3,366	1,278
Corrections	Misconduct	17,530	17,530	19,286	19,286	18,947	18,947	19,849	19,849	75,612	75,612
	Parole Hearing	260	260	258	258	260	260	233	233	1,011	1,011
	Parole Arraign	491	491	553	553	506	506	481	481	2,031	2,031
	Other	125	125	125	125	125	125	125	125	500	500
	Total	18,406	18,406	20,222	20,222	19,838	19,838	20,688	20,688	79,154	79,154
Education	Certification	4	2	2	1	2	2	2	1	10	6
	Tenure	19	8	13	17	13	17	38	8	83	50
	CACFP	0	0	0	0	0	0	0	0	0	0
	Property Transfer	0	0	0	1	2	2	6	3	8	6
	Spec Ed	8	9	16	20	22	27	21	17	67	73
	Total:	31	19	31	39	39	48	67	29	168	135

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Hearing Case Type	Area	1 st Schd	1 st Held	2 nd Schd	2 nd Held	3 rd Schd	3 rd Held	4 th Schd	4 th Held	Total Schd	Total Held
DEQ	LWM	15	8	19	9	13	6	11	7	58	30
	Water	2	0	4	1	1	1	12	12	19	14
	Air	0	0	0	0	0	0	0	0	0	0
	Oil & Gas	2	2	4	2	11	7	1	1	18	12
	RRD	0	0	0	0	0	0	0	0	0	0
	WHM	0	0	0	0	1	1	0	0	1	1
	Misc.	0	0	0	0	0	0	1	1	1	1
	Total:	19	10	27	12	26	15	25	21	97	58
History, Arts, and Libraries	General	4	2	6	3	1	1	4	2	15	8
DHS *	Adopt	3	2	1	0	0	0	1	0	5	2
	AMP	29	10	45	15	76	24	133	36	283	85
	CDC	133	38	199	58	276	74	132	36	740	206
	SER	158	23	151	24	317	68	158	27	784	142
	FAP	1,154	328	837	218	1,230	351	646	156	3,867	1,053
	SMP	1	1	0	0	0	0	0	0	1	1
	DSS	6	2	5	0	10	0	4	2	25	4
	FIP	190	54	330	86	439	113	168	53	1,127	306
	JET	176	54	453	149	608	230	492	218	1,729	651
	Med Elig	599	182	769	215	537	151	747	220	2,652	768
	Title IVE	1	0	3	2	4	3	3	1	11	6
	SSI	23	3	10	3	62	10	35	8	130	24
	Expungement	8	8	39	13	19	16	2	0	68	37
	SDA	79	29	83	35	53	14	97	36	312	114
	OCAL	38	12	26	21	0	15	0	12	64	60
	Med Dis	1,073	678	1,241	755	1,210	763	1,335	851	4,859	3,047
	Rehearing	0	0	100	100	87	87	104	104	291	291
	Total:	3,671	1,424	4,292	1,694	4,928	1,919	4,057	1,760	16,948	6,797

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APPROPRIATION UNIT: SOAHR **PROGRAM:** SOAHR

Hearing Case Type	Area	1 st Schd	1 st Held	2 nd Schd	2 nd Held	3 rd Schd	3 rd Held	4 th Schd	4 th Held	Total Schd	Total Held
DLEG	UA	8,164	8,164	5,705	5,705	6,408	6,408	6,282	6,282	26,559	26,559
	TT	472	472	390	390	676	506	532	532	2,070	1,900
	LCC	175	175	139	139	137	137	179	179	630	630
	PSC	114	55	124	40	125	31	94	41	457	167
	BCS	210	99	197	105	243	111	302	118	952	433
	OFIS	46	12	52	18	27	10	17	5	142	45
	BCC	19	19	22	18	12	11	15	12	68	60
	MIOSHA	53	5	53	6	48	10	41	14	195	35
	Wage Hour	43	22	49	39	37	27	50	27	179	115
	CFB	3	1	0	0	0	0	0	0	3	1
	MERC	129	32	124	28	147	35	127	32	527	127
	BCE	0	0	1	1	0	0	0	0	1	1
	Total	9,428	9,056	6,856	6,489	7,860	7,286	7,639	7,242	31,783	30,073
DMB	General	15	15	57	25	61	21	59	27	192	88
DNR	General	1	1	0	0	0	0	0	0	1	1
State Police	MCOLES	13	11	6	4	6	2	6	4	31	21
MDOT	General	67	28	141	53	65	17	0	0	273	98
Treasury	General	9	6	5	1	0	1	3	0	17	8
Total		32,437	29,248	32,558	28,875	33,788	29,525	33,267	30,075	132,050	117,723

Mediation Case Type	Area	1 st Schd	1 st Held	2 nd Schd	2 nd Held	3 rd Schd	3 rd Held	4 th Schd	4 th Held	Total Schd	Total Held
DLEG	BCS	56	30	11	8	2	1	3	1	72	40
	Wage Hour	106	73	121	76	78	59	101	64	406	272
Total:		162	103	132	84	80	60	104	65	478	312